

VIRGINIA:

IN THE CIRCUIT COURT OF CAMPBELL COUNTY

IN RE:]
LEVY OF TAX AND INCURRING]
INDEBTEDNESS WITHIN THE]
TIMBERLAKE WATERSHED]
IMPROVEMENT DISTRICT OF]
CAMPBELL COUNTY, VIRGINIA]

ORDER

This day came the parties, by counsel, upon the petition and response thereto. After due consideration, this court doth ADJUDGE, ORDER, AND DECREE as follows:

1. The Timberlake Watershed Improvement District (the “Timberlake WID”) is comprised of all Campbell County properties having shoreline on Timberlake, Buffalo Creek, Waterlick Creek, and Brown’s Creek that are located inside the perimeter created by Timberlake Drive, South Timberlake Drive, and Old Plantation Drive, inclusive of the Timberlake Dam and its emergency and primary spillways. This territory is contiguous and within one watershed (the “WID Territory”); and
2. The District Directors of the Robert E. Lee Soil and Water Conservation District (the “Directors”) created the Timberlake WID on April 25, 2019. The Directors currently govern the Timberlake WID; and
3. The Directors seek to empower the Timberlake WID to both levy a tax (pursuant to Va. Code 10.1-625) and incur indebtedness (pursuant to Va. Code 10.1-628); and
4. Code §§ 10.1-614 *et seq.* requires that two (2) referenda be held to determine whether the Timberlake WID shall have the power to levy any tax or incur any debt.

The Landowner Referendum

5. The first referendum (the “Landowner Referendum”) shall be conducted by the Directors in the manner proscribed by Code §§ 10.1-617, 10.1-625, 10.1-628, and 10.1-629. All of the owners of land lying within the WID Territory (“Landowners”) shall be able to vote in the Landowner Referendum; and

6. The Directors will prescribe the necessary guidelines and procedures governing the Landowner Referendum in order to determine whether the Timberlake WID shall have the power to levy a tax and incur indebtedness; and

7. The ballot to be used in the Landowner Referendum shall state:

“1. Shall the Timberlake Watershed Improvement District have the power to levy a tax to be used for the purpose of constructing improvements to check erosion, provide drainage, collect sediment, and/or stabilize the runoff of surface water within the Timberlake Watershed Improvement District’s boundaries?

☐ Yes

☐ No

2. Shall the Timberlake Watershed Improvement District have the power to incur indebtedness or issue bonds for the purpose of constructing improvements to check erosion, provide drainage, collect sediment, and/or stabilize the runoff of surface water within the Timberlake Watershed Improvement District’s boundaries?

☐ Yes

☐ No”

8. For the Landowner Referendum to pass:

- a. Two-thirds of Landowners owning at least two-thirds of the total land-area in the WID Territory must vote in favor of allowing the Timberlake WID to levy taxes for the purpose of constructing improvements to check erosion, provide drainage, collect sediment, and/or stabilize the runoff of surface water within the Timberlake Watershed Improvement District’s boundaries;
- b. Owners of at least two-thirds of the land area in the district must vote in the election, and two-thirds of all voters must vote in favor of allowing the WID the power to incur indebtedness or issue bonds for the purpose of constructing improvements to check erosion, provide drainage, collect sediment, and/or

stabilize the runoff of surface water within the Timberlake Watershed Improvement District's boundaries; and

- c. The referendum must occur not less than thirty (30) days from the date of this Order.

9. If the Landowner Referendum passes, the results shall be certified to this Court.

The Court shall then enter an order authorizing the Timberlake WID to incur indebtedness or issue bonds for one or more of the purposes for which the district was created in accordance with § 10.1-629; and

The Qualified Voter Referendum

10. The second referendum (the "Qualified Voter Referendum") shall be conducted by the General Registrar of Campbell County in the manner proscribed by Va. Code § 24.2-681 *et seq.*; and

11. For the Qualified Voter Referendum to pass, a majority of the qualified voters within the WID territory must vote in favor of allowing the Timberlake WID to levy taxes and incur indebtedness or issue bonds; and

12. It is therefore ORDERED that a Writ of Election be, and it hereby is, issued directing the Secretary of the Campbell County Electoral Board, the General Registrar of Campbell County, and all other appropriate officials, as necessary, to proceed to cause, under Va. Code § 24.2-684, public notice to be given of, and do all things necessary and proper for, the election to be held November 5, 2019. The General Registrar shall post a copy of the writ on the official website for the County.

13. The ballot to be used in the Qualified Voter Referendum shall state:

“1. Shall the Timberlake Watershed Improvement District have the power to levy a tax to be used for the purpose of constructing improvements to check erosion, provide drainage, collect sediment, and/or stabilize the runoff of surface water within the Timberlake Watershed Improvement District’s boundaries?

☐ Yes

☐ No

2. Shall the Timberlake Watershed Improvement District have the power to incur indebtedness or issue bonds for the purpose of constructing improvements to check erosion, provide drainage, collect sediment, and/or stabilize the runoff of surface water within the Timberlake Watershed Improvement District’s boundaries?

☐ Yes

☐ No”

13. The General Registrar shall compile a list of addresses found to be within the boundaries in conjunction with the statutes, regulations, and policies governing a general election. Only registered voters domiciled at the listed addresses shall be allowed to vote in the November 5, 2019, referendum conducted by the General Registrar.

14. The Registrar, in consultation as necessary with the State Board of Elections, will decide the procedure required to carry out this order in the usual and ordinary course of setting and accomplishing any referendum.


15. A simple majority of the ballots cast in the election held by the General Registrar shall be required for the questions on whether to (1) levy a tax and (2) incur indebtedness or issue bonds.


16. The costs of holding both the referenda shall be paid by the landowners requesting the referenda, pursuant to Virginia Code § 10.1-634.1. Should either question fail to pass, the Directors shall certify that fact to the General Registrar as soon as is practicable. The Registrar shall then be relieved of further responsibility of conducting the election to be managed

by her office, and the requesting landowners shall only be responsible for the costs incurred or contracted to be incurred prior to the date of the District Director's certification.

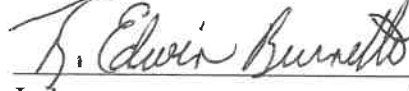
The Clerk shall forward attested copies of this Writ of Election to the Secretary of the Electoral Board of Campbell County, to the general registrar of Campbell County, to the Secretary of the State Board of Elections, to the Clerk of the Board of Supervisors, and to counsel.

SEEN:


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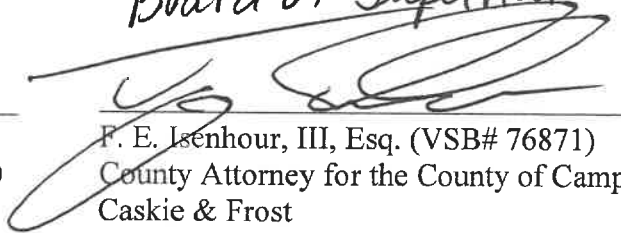

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ENTER: 8 / 16 / 2019



Judge

cc: Robert Drewry F. E. Isenhour
A. David Hawkins
Writ of Election - Secretary of the
Electoral Board of Campbell Co.
General Registrar - Kelly
Secretary of the State Board of
Elections
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A COPY TESTE:
VALERIE P. YOUNGER
Circuit Court Clerk
Campbell County, Virginia

By:


Deputy Clerk